UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/524,171	03/13/2000	Richard A. Baker	SAA-34	6208

23569   7590   04/08/2003

SQUARE D COMPANY
INTELLECTUAL PROPERTY DEPARTMENT
1415 SOUTH ROSELLE ROAD
PALATINE, IL 60067

EXAMINER
NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 04/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _02 November 2002_ .

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-20_ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-20_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _2, 3_ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____

DETAILED ACTION

1.   Claims 1 – 20 are presented for examination.

Oath/Declaration

1.   The oath or declaration is defective. A new oath or declaration in compliance with 37

CFR 1.67(a) identifying this application by application number and filing date is required. See

MPEP §§ 602.01 and 602.02.

> The oath or declaration is defective because: Not claiming the priority of 35 U.S.C. 120
> as stated in IDS filed on Nov. 1, 2002.

Specification

2.   The disclosure is objected to because of the following informalities: hole punch through

the whole specification including claims.

Appropriate correction is required.

3.   Examiner requests Applicants to update the status of any related applications mentioned

on page 1 of the specification.

Information Disclosure Statement

4.   Examiner requests Applicant to resubmit the missing document from IDS #2 and #3 for

consideration.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6.   Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing

to particularly point out and distinctly claim the subject matter which applicant regards as the

invention.

The following terms lack antecedent basis:

I.   the programming package   -   Claim 3

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 1-9, 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Austin

[US Patent No 6370569], in view of Harris et al. [US Patent No 6505341].

9.   As per claim 1, Austin discloses the invention substantially as claimed including a system

for programming application programs controlling a programmable logic controller from a

communication network, comprising:

an interface module for coupling the programmable logic controller to the communication network [102, 144, Figure 2B; and col 7, lines 12-14];

at least one Web page resident in the programmable logic controller, the Web page linked to the program editor [col 11, lines 44-63];

wherein the Web page is accessible to a user at a remote location using a web browser coupled to the communication network through the interface module [col 16, lines 32-46];

wherein the Web page allows the user at the remote location to access the program editor to edit the application programs controlling the programmable logic controller [col 8, lines 7-18].

Austin does not specifically disclose

a program editor resident in the programmable logic controller, the program editor for creating and editing the application programs [Abstract; col 2, line 3-14].

Harris discloses a system having

a program editor resident in the programmable logic controller, the program editor for creating and editing the application programs [col 1, lines 39-57; and col 2, lines 66-col 3, lines 17].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Austin and Harris because Harris's program editor would provide extra ability to Austin's system to allow it to create or edit any application programs.

10.   As per claim 2, Austin discloses the system of claim 1 wherein the application programs are viewed as files within the programmable logic controller, accessible to the communication network using a standard File Transfer Protocol [col 13, lines 55-col 14, lines 4].

11.   As per claim 3, Austin discloses the system of claim 1 wherein the application programs are converted by the programming package [col 21, lines 7-18], and viewed on a web browser through either Java or HTML [col 10, lines 62-67].

12.   As per claim 4, Austin does not disclose the programming packages further includes symbol editors and language editors and wherein all symbols are stored within the programmable logic controller, allowing any authorized personal computer coupled to the communication network to edit the application programs. Harris discloses the programming packages further includes symbol editors and language editors and wherein all symbols are stored within the programmable logic controller, allowing any authorized personal computer coupled to the communication network to edit the application programs [col 1, lines 47-51; and col 10, lines 48-col 11, lines 8]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Austin and Harris because Harris' editors would allow the system to further expand its functionality to user and let user to have more control.

13.   As per claim 5, Austin discloses the interface module includes

        a real time operating system [col 8, lines 43-47] operating a central processing unit [col 8, lines 32-37],

a network interface for communicating with the communication network [Figure 1],

a driver for communicating with the programmable logic controller [col 12, lines 55-61

],

a protocol stack [col 3, lines 52-55],

a client task for communicating with the protocol stack for initiating received requests [

col 13, lines 50-54],

a server task for communicating with the protocol stack for responding to receive

requests [col 16, lines 32-36],

a protocol stack for communicating with the protocol stack for receiving and responding

to protocol stack requests [col 21, lines 7-19].

14.   As per claim 6, Austin discloses the communication network is a world-wide network

known as the internet using an Internet Protocol (IP) [84, Figure 1; and col 9, lines 41-44].

15.   As per claim 7, Austin discloses the interface module functions as a web site on the

internet [102, Figure 2B], the interface module including a global IP address [col 9, lines 53-57

].

16.   As per claim 8, Austin discloses the protocol stack is a Transmission Control Protocol

stack [col 9, lines 40-43], and wherein the protocol task includes a server task using a hypertext

transport protocol (HTTP) task to deliver hypertext documents to the network interface [col 9,

lines 44-48].

17.   As per claim 9, Austin discloses the HTTP task accepts a connection, parses an HTTP

request, and calls the real time operating system to process the request [410-414, Figure 5A; and

442-462, Figure 5B].

18.   As per claims 11-19, they are rejected for similar reasons as stated above in claims 1-9.

19.   Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Austin [

US Patent No 6370569], in view of Harris et al. [US Patent No 6505341], and further in view

of Swales et al. [US Patent No 6151625].

20.   As per claim 10, Austin and Harris do not disclose the interface module further includes a

dual TCP/IP stack for data transferring comprising a first stack capable of handling a broad range

of TCP/IP messages and a second stack capable of handling a less broad range of TCP/IP

messages more quickly than the first stack. Swales discloses the interface module further

includes a dual TCP/IP stack for data transferring comprising a first stack capable of handling a

broad range of TCP/IP messages and a second stack capable of handling a less broad range of

TCP/IP messages more quickly than the first stack [col 5, line 16-34]. It would have been

obvious to a person skill in the art at the time the invention was made to combine the teaching of

Austin, Harris and Swales because swales' dual TCP/IP stack would provide more memory

space. which increases the performance of the system.

21.   As per claim 20, it is rejected for similar reason as stated above in claim 10.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The examiner can normally be reached on Monday – Friday (8:00 – 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 305-9678.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directly to the receptionist whose telephone number is (703) 305-3900.

Dustin Nguyen

ZARNI MAUNG
PRIMARY EXAMINER